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February 11, 2025

Hon. Miroslav Lovric
Federal Building and US Courthouse
15 Henry Street
Binghamton, New York 13901

Re: **Happy Hour Drinks Company, Inc. vs. Can Man, LLC d/b/a Best Bev Co., and
Best Bev LLC**
Case No.: 3:24-cv-00047(TJM/ML)
Our File No.: 2024-116

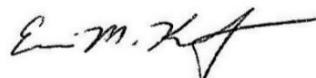
Dear Magistrate Judge Lovric:

I submit this letter in follow up to a conversation I just had with your Courtroom Clerk. As you may be aware and as I had indicated at our appearance on January 21, 2025, the defendants' timely filed an appeal (see Docket No. 67) to the District Judge concerning your decision and order on plaintiff's motion to compel (see Docket No. 64). Pursuant to our discussion at the January 21, 2025 hearing, my Notice of Appeal included seeking a stay of enforcement of your order and I noted it on the docket text as well. To date, I have heard nothing from the District Court Judge with respect to a stay and have left messages with District Judge McAvoy's Courtroom Clerk concerning the same. Pursuant to your order, I was to provide the responsive documentation today. I respectfully request an extension of time to comply pending word from the District Court Judge as to whether or not a stay pending a decision on the appeal will be granted.

I appreciate the Court's time and consideration of this request as the defendants' understand that their appellate rights will be rendered moot if they are compelled to disclose financials and tax returns before their appeal can be heard (Plaintiff's response to the appeal is due on February 18th and defendants' reply is due on February 25th). Should the Court require any additional information, please do not hesitate to contact me.

Very truly yours,

COOK, KURTZ & MURPHY, P.C.



ERIC M. KURTZ

EMK:tmr

cc: Joseph A. Churgin, Esq.
Savad Churgin